



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007*

August 11, 2017

**BY ECF**

The Honorable Valerie E. Caproni  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, New York 10007

**Re: *United States v. Joseph Percoco, et al.*, S1 16 Cr. 776 (VEC)**

Dear Judge Caproni:

The Government respectfully writes in response to the Court's April 10, 2017 Order requiring the Government to update the Court monthly with regard to the status of discovery.

Since the Government's discovery status letter dated July 14, 2017, we have produced approximately 13,132 pages of documents, including approximately 9,300 pages of documents released by relevant counsel after initially having withheld such documents as potentially privileged.

At present, the Government is processing for production approximately 28,441 pages of additional documents, which the Government anticipates will be made available to the defense by early September 2017. Nearly all of those documents—approximately 28,412 pages—consist of documents extracted from defendant Peter Galbraith Kelly Jr.'s work cellphone, which has been in Kelly's sole possession throughout the investigation and case. These documents were produced this month to the Government by counsel for the Energy Company. Based on its conversations with counsel for the Energy Company, the Government understands that defense counsel for Kelly arranged for and conducted the imaging and extraction of Kelly's work cellphone, removed certain files that defense counsel determined to be personal in nature, and produced the remaining documents to the Energy Company. Counsel for the Energy Company reviewed those documents and then produced them to the Government.

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The Government will continue to process and produce promptly additional documents it may obtain in the course of its investigation.

Respectfully submitted,

JOON H. KIM

Acting United States Attorney

By: /s/  
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cc: Counsel for all defendants (via ECF)